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25

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,664	06/23/2005	Graham William Pickering	YEW0102PUSA	2897
22045	7590	05/30/2006	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075				WINNER, TONY H
ART UNIT		PAPER NUMBER		
				3611

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/540,664	PICKERING ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Tony H. Winner	3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 23 June 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-7 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 23 June 2005 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/23/06.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

***Specification***

1. The disclosure is objected to because of the following informalities:
  - a. Brief Description of the Several Views of the Drawings is improper: See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
  - b. Detailed Description of the Invention is missing: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

Appropriate correction is required.

***Claim Objections***

2. Claims 1 and 2 are objected to because of the following informalities: Claim 1 is replete with antecedent basis error, for example, lines 2 and 3 recites "the rear wheel

axle" and "the rear wheel". Note, this is merely **exemplary** and is not to be **construed** as a complete listing of the errors.

With regard to claim 2, the recitation "the flexible joint" is unclear and confusing. There is no support for this flexible joint in either the specification or the drawings. Is the flexible joint the same as visco-elastic connector? If so, please keep the terminology consistence.

Appropriate correction is required.

***Claim Rejections - 35 U.S.C. 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In this instant application, claims 1-7 recite a training wheel assembly utilizing a visco-elastic connector to absorb energy and damp out undesirable oscillation or vibration is not fully supported in the specification or the drawings so that to enable one skilled in the art to which it pertains to make the invention. The applicant has not shown the internal/detail structural of the visco-elastic connector and its working relationship with the wheel assembly to damp out undesirable oscillation or vibration. Since the

internal structure of the visco-elastic is not shown, the examiner is unclear as to how the visco-elastic connector is able to reduce/damp out oscillation or vibration, which the examiner considers is the core of the applicant's invention.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (WO 95/09759) in view of Carlstedt et al. (USPN. 6,641,121 B1).

Walker discloses a cushioning means for an articulated members, the structure including a training wheel assembly to be fitted to the rear wheel axle of a bicycle for providing lateral dynamic stability of the bicycle, a pair of such wheel assemblies to be used concurrently on opposite sides of the rear wheel, each said wheel assembly comprising:

- a. an auxiliary wheel attached to a lower arm,
- b. an elastic connector attached to said lower arm and an upper bracket,
- c. said upper bracket attached to the elastic connector at the lower end and removeably attached to the bicycle axle at the top end.

Walker lacks the teaching of a damping device using the combination of viscous fluid and elastic member in a single structure.

Carlstedt discloses a damping device using viscous fluid and elastic member (visc-elastic) to reduce vibration and noise.

Based on the teaching of Carlstedt, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cushioning member of Walker to include the visc-elastic device of Carlstedt so as to provide noise and vibration reduction to the vehicle.

With regard to claims 2-6, Walker as modified by Carlstedt discloses all of the claimed limitations.

Note: The patentability of claim 7 is unable to determine because of the combination of rejections under 35 U.S.C. 112, 1st and 103(a) listed above.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Anthony H. Winner whose telephone number is (571) 272-6654. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:30 pm. The fax phone number for the organization where this application or proceeding is (571) 273-8300.

6. Information regarding the status of an application may be obtained from the Patent Application Information-Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6584.



**TONY WINNER**  
**PATENT EXAMINER**

May 25, 2006